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3 **IN THE UNITED STATES DISTRICT COURT**

4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

7 No.

**AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Michael Hughes

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Texas

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Texas

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Texas

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Eastern District of Texas

Defendants (check Defendants against whom Complaint is made):

C.R. Bard Inc.

Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

Diversity of Citizenship

Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

Recovery® Vena Cava Filter

G2® Vena Cava Filter

- 1 G2® Express(G2®X) VenaCavaFilter
- 2 Eclipse® Vena Cava Filter
- 3 Meridian® Vena Cava Filter
- 4 Denali® VenaCavaFilter
- 5 Other: _____

6 11. Date of Implantation as to each product:

7 August 31, 2013 December 4th, 2010

8 12. Counts in the Master Complaint brought by Plaintiff(s):

- 9 Count I: Strict Products Liability – Manufacturing Defect
- 10 Count II: Strict Products Liability – Information Defect (Failure to
- 11 Warn)
- 12 Count III: Strict Products Liability – Design Defect
- 13 Count IV: Negligence - Design
- 14 Count V: Negligence - Manufacture
- 15 Count VI: Negligence – Failure to Recall/Retrofit
- 16 Count VII: Negligence – Failure to Warn
- 17 Count VIII: Negligent Misrepresentation
- 18 Count IX: Negligence *Per Se*
- 19 Count X: Breach of Express Warranty
- 20 Count XI: Breach of Implied Warranty
- 21 Count XII: Fraudulent Misrepresentation

- Count XIII: Fraudulent Concealment
 - Count XIV: Violations of Applicable: Texas
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
 - Count XV: Loss of Consortium
 - Count XVI: Wrongful Death
 - Count XVII: Survival
 - Punitive Damages
 - Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

Yes

No

1 RESPECTFULLY SUBMITTED this 6th day of September 2018.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

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5 *Attorneys for Plaintiff(s)*

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12 I hereby certify that on this 6th day of September 2018, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey